



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

April 29, 1998

Mr. William M. Toles  
Assistant City Attorney  
Criminal Law and Police Section  
City of Dallas  
2014 Main Street, Room 206  
Dallas, Texas 75201

OR98-1078

Dear Mr. Toles:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 115121.

The Dallas Police Department (the "department") received a request for the pawn transactions made by two individuals for the last 24 months. You assert that the requested information is confidential by law pursuant to the Texas Pawnshop Act, V.T.C.S. article 5069-51.08,<sup>1</sup> and excepted from public disclosure by section 552.108 of the Government Code. We have considered your arguments and have reviewed the information submitted.

Section 552.101 of the Government Code excepts from required public disclosure information considered to be confidential by law, either constitutional, statutory, or by judicial decision. You argue that the department obtained the submitted documents in the course of criminal investigations, and therefore, they are made confidential under the Texas Pawnshop Act. Section 371.204 of the Finance Code states:

A pawnbroker shall allow a peace officer to inspect the pawnbroker's books, accounts, papers, correspondence, or other that relate to the business of the pawnbroker at any reasonable time without judicial writ or other process.

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<sup>1</sup>The Seventy-fifth Legislature repealed V.T.C.S. articles 5069-51.-01 to 5069-51.17 and codified these provisions in chapter 371 of the Finance Code. Act of June 19, 1997, 75<sup>th</sup> Leg., R.S., ch. 1008, § 6, 1997 Tex. Gen. Laws 3091, 3601.

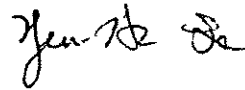
Furthermore, section 371.206 of the Finance Code states:

Information obtained during an examination or inspection authorized by this subchapter is confidential and privileged except for use by the commissioner or in a criminal investigation or prosecution.

Upon review of the submitted information, we conclude that this information is made confidential by section 371.206 and therefore must be withheld from disclosure under section 552.101.

Because section 371.206 of the Finance Code is dispositive, we need not address your section 552.108 claim. We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Yen-Ha Le  
Assistant Attorney General  
Open Records Division

YHL/rho

Ref.: ID# 115121

Enclosures: Submitted documents

cc: Ms. Kimberly Brimer  
Claim Specialist  
Special Investigative Unit  
State Farm Insurance Companies  
P.O. Box 741927  
Dallas, Texas 75374-1927  
(w/o enclosures)